

GOVERNMENT
EXHIBIT

669

1:24-cr-20255-WPD



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April 30, 2021

King Kimchi
Ishbay Shukerov
Boulevard 9229 Corp.
9229 Queens Blvd, Ste 11
Rego Park, NY 11374

*Via Overnight Mail and email: consulting012345@gmail.com
boulevard9229@gmail.com*

Dear Sir/Madam:

This firm represents Safe Chain Solutions (“Safe Chain”) in connection with recent sales of Gilead products that were sold by Boulevard 9229, LLC (“Boulevard”) to Safe Chain. In particular, it has come to our attention that certain Gilead-branded products sold by Boulevard to Safe Chain were either illegitimate, adulterated, based upon a falsified T3 Report, or a combination thereof. Further, it has come to our attention that even though you represented yourself to be, and functioned as, a licensed drug wholesaler, you are not licensed as a wholesaler in any State. Through this letter, we write to advise you that – in accordance with the Drug Supply Chain Security Act and the Uniform Commercial Code – Safe Chain will not be making payment on any outstanding balances with Boulevard, and that Safe Chain reserves any and all rights against Boulevard regarding these illegitimate sales.

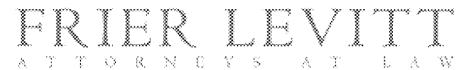
Pursuant to an investigation being conducted by Gilead regarding several product quality complaints for certain lots purchased by Safe Chain from Boulevard, several concerning details have come to light. In particular, Safe Chain and/or Gilead has received complaints from pharmacies and/or patients regarding lot numbers CDSFFA, 019815 and CDGXKA purchased from Boulevard, wherein it was alleged that the bottles contained a different medication than what they were labeled for, or otherwise had illegitimate or falsified pedigree documentation.

With respect to BIKTARVY lot CDSFFA, on or around March 26, 2021, Safe Chain was notified by one of its pharmacy customers that the bottle labeled as BIKTARVY was determined to contain GENVOYA. Safe Chain notified the FDA and the manufacturer, and on April 1, 2021, Gilead informed us that the pedigree documentation for this product provided by Boulevard was falsified. Specifically, Gilead stated that even though the pedigree documentation indicated this bottle was first sold to AmerisourceBergen in 2019, this lot was not released by Gilead until a year after this transaction in 2020.

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With respect to DESCovy lot number 019815, on or around March 2, 2021, Gilead was notified by a patient that their bottle of DESCovy contained VIREAD tablets and not DESCovy. Safe Chain has communicated with the FDA and the manufacturer regarding this issue, and based on the pedigree documentation showing initial sales allegedly to have occurred in 2019, we anticipate that Gilead will declare the pedigrees to be illegitimate as well.

Finally, with respect to BIKTARVY lot number CDGXKA, on or around October 5, 2020, Safe Chain asked Gilead to verify pedigree information that purported to show that Gilead sold five bottles of BIKTARVY lot CDGXKA to Rochester Drug Co-Op Inc., who in turn, appeared to have sold them to Boulevard. On October 9, 2020, Gilead determined that the information contained in the document did not match Gilead's records and directed Safe Chain to quarantine any product associated with this lot number that remained in Safe Chain's possession.

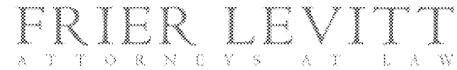
At the direction of the FDA, Safe Chain has quarantined all remaining Gilead inventory acquired from Boulevard, and fears that through its further cooperation with the manufacturer, Gilead will declare all of such inventory to be illegitimate.

As noted above, it has come to our attention that even though Boulevard held itself out to be, and functioned as a wholesaler, it is not licensed as a wholesaler in any State, but rather, appears to only be licensed as a community/retail pharmacy licensed in the State of New York. The wholesaler registration provided to Safe Chain during the vendor onboarding process appears to have been falsified, as the New York Board of Pharmacy has no record of Boulevard ever having held a wholesale distributor license. As a result, since Boulevard is not a licensed wholesaler and never has been, Safe Chain has quarantined ALL inventory purchased from Boulevard regardless of the manufacturer.

As required under the Drug Supply Chain Security Act ("DSCSA"), upon being informed that the above mentioned pedigree was falsified, and that the product associated with this falsified pedigree documentation is considered illegitimate, Safe Chain reported the matter to the Food and Drug Administration, quarantined the product and notified all pharmacy customers to which Safe Chain sold these lots.

Under UCC § 2-608, after a buyer has accepted goods, the acceptance may be revoked where "the buyer initially accepted the goods without discovering the non-conformity either because of the difficulty of discovery or because of the seller's assurances. In this case, the non-conformity was not discovered because of the T3 documentation provided by Boulevard.¹ Therefore, we are notifying Boulevard, the seller of this revocation. At a minimum, we will not be paying the invoice for illegitimate product which we cannot sell. As required under the DSCSA, we have quarantined the product, which at this time cannot be returned back to you. The false T3 documentation that Boulevard provided has literally halted Safe Chain's business, created enormous legal exposure (Gilead has accused Safe Chain, and by default Boulevard, of trafficking in counterfeit Gilead products), and resulted in damages in the amount of millions of dollars. Additionally, this matter has caused damage to Safe Chain's goodwill and tarnished its reputation and good name which is literally "Safe Chain."

¹ "[T]he question is whether the non-conformity is such as will in fact cause a substantial impairment of value to the buyer though the seller had no advance knowledge as to the buyer's particular circumstances."



When Safe Chain's compliance department spoke to you, Boulevard representatives maintained that the transaction listed on the T3 document is correct. Our client is requesting you provide support for all upstream transactions, including the native T3 documentation and invoices provided by Boulevard's sources. We ask for this documentation immediately.

This letter is without prejudice to any rights and remedies of Safe Chain, all of which are expressly reserved.

Sincerely,

Martha M. Rumore

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